

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

UNITED STATES OF AMERICA)	
)	
VS.)	CR. NO. MO-02-CR-96
)	
JAIME URQUIDI-ORTEGA)	

**GOVERNMENT'S MOTION IN LIMINE
(Incorporating Brief with Supporting Authorities)**

TO THE HONORABLE JUDGE OF THIS COURT:

The United States of America, by and through its undersigned counsel, hereby files this pretrial motion in limine and would show the Court as follows:

1. Prior to trial the government requests that the Court instruct the Defendant, his counsel, and any of his witnesses in this cause not to litigate or relitigate, mention, recite, allude to, suggest, comment, or refer in any way to the following in the jury's presence:

(A) The punishment faced by the defendant if convicted as such is not to be assessed by the jury and is specifically prohibited from their consideration or discussion during deliberations by Instruction 1.20 (Caution - Punishment) of the *Fifth Circuit Pattern Jury Instructions*, 2001 Edition.

2. The foregoing request is intended to insure that the fact finder is not burdened with information that is irrelevant, Fed.R.Evid. 401-402, and/or unfairly prejudicial, confusing, misleading to the jury, and/or wasteful of time, Fed.R.Evid. 403. The request should be granted to secure fairness in the conduct of the trial, to eliminate unjustifiable delay, and to promote the objective that "the truth may be ascertained and proceedings justly determined" in this case. Fed.R.Evid. 102.

WHEREFORE, the government urges the Court to grant this motion prior to trial.

Respectfully submitted,

JOHNNY SUTTON
UNITED STATES ATTORNEY

By: /s/ Jeff Parras
JEFF PARRAS
Assistant United States Attorney
400 W. Illinois, Suite 1200
Midland, Texas 79701
(432)686-4110
FAX (432)686-4131

Certificate of Service

By signing above, I hereby certify that on July 21, 2009, I filed this document with the Clerk using the CM/ECF filing system, which will cause a copy of the document to be delivered to counsel for Defendant, Mr. Thomas Hirsch.

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ORDER REGARDING GOVERNMENT'S MOTION IN LIMINE

On this day came on to be considered the government's motion for the above-captioned relief. After due consideration, the Court finds that the motion should be GRANTED, and it is SO ORDERED.

SO ORDERED on this _____ day of _____ 2009.

ROBERT JUNELL
United States District Judge